



MANUFACTURERS COUNCIL
of the CENTRAL VALLEY

July 23, 2018

Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California 95814

Re: Comments on Draft Community Air Protection Blueprint

Dear Clerk of the Board:

Headquartered in Modesto, the Manufacturers' Council of the Central Valley ("MCCV") represents various food and wine processors, packaging and container manufacturers, fabricators, power generators, warehousing and distribution firms, environmental consultants, and other related businesses and industries located in California's San Joaquin Valley and whose markets are local, state, national and international. As such, the members of the MCCV are interested in the ARB's implementation of AB 617 in a manner that is consistent with AB 617 but in a manner that is fair, equitable and that complies with other State and Federal laws.

This letter constitutes the Manufacturers' Council comments to the CARB Draft Community Air Protection Blueprint dated June 7, 2018.

A. General Section.

1. Any monitoring in the Central Valley under AB 617 should be directly managed by the San Joaquin Valley Air Pollution Control District ("SJVAPCD"). This is necessary to assure the integrity of the data, avoid additional expenses, and to avoid potential conflicts with existing District monitoring.

2. Funding for monitoring should be provided to alleged sources in "identified communities."

3. There needs to be stakeholder and business representation on the Community Steering Committees. Consideration should be made to including SJVAPCD Citizens 'Advisory Committee ("CAC") representation on the steering committees.

B. Implementation Strategies.

1. Economic factors similar to those used under the BACT program should be applied to any retrofit or additional emission control requirements. CARB has identified California Health & Safety Code § 44391.2(c)(2) with respect to economic review:

(2) Within one year of the state board's selection, the district encompassing any location selected pursuant to this subdivision shall adopt, in consultation with the state board, individuals, community-based organizations, affected sources, and local governmental bodies in the affected community, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures identified pursuant to paragraph (4) of subdivision (b). The technical feasibility of any proposed measures should also be taken into account.

2. Facility audits under AB 617 should be kept confidential.

3. Any land use measures that are adopted should not be retroactive.

4. Incentive programs should also provide incentives and outreach to alleged contributors.

5. Given their limited jurisdiction over land use issues, CARB and the local Air Districts should avoid interjecting themselves into the local planning process.

C. Appendices.

1. Any zero emission requirements should be limited to mobile sources.

2. Health protective standards should not be any more stringent than standards that have already been described under federal, state or local regulations.

3. The Community Steering Committees and their members should be subject to the Brown Act and open hearing requirements with notice to the public.

4. Emission monitoring under AB 617 should not be duplicative of existing Air District monitoring.

5. Any changes that are suggested for existing facilities should not be retroactive, and/or funds should be provided for such changes.

D. Regulatory Steps.

1. Any potential regulations promulgated to promote AB 617 goals must go through the full regulatory process provided under state law and agencies' protocol.

E. Land Use.

1. Any local agency strategies must go through the process required by other such proposals at that local level. None of these strategies should be applied retroactively.

2. There is a limit to which CEQA applies to health-related issues, and the issue of enhancing the CEQA process needs to be reviewed in more depth.

3. Any land use strategies that involve agency or committee monitors meetings with local agencies must be done publicly and comply with the Brown Act, and must include potentially affected facility owners.

F. Enforcement Plan.

1. Enforcement should not be delegated to Community Steering Committees.

2. The current Air District enforcement programs are sufficient, and no “enhanced” enforcement is required.

3. It is not appropriate to involve the community in enforcement efforts. The Air District in the San Joaquin Valley already has a robust complaint process. Any monitoring used for enforcement purposes should be done through District monitors. Individual monitoring will not stand up to required evidentiary standards and should not be used for any purpose.

4. It should be recognized that Local Districts are not authorized to regulate mobile sources nor are they authorized to regulate land use.

5. CARB may only enforce regulations in those areas it has jurisdiction. The other areas must be managed by local Air Districts and/or the USEPA.

6. The concept of encouraging citizens to submit complaints must be supplemented by establishing, through the public process a procedure for managing intake and responding to complaints. We would submit that the Air District’s current rules are not designed to handle the due process requirements for sources to respond to citizen complaints.

G. Appendix E (11) – Community Air Monitoring Plan.

1. All monitoring needs to meet the same evidentiary requirements required by a District enforcement level program in order to preserve the due process rights of those being monitored. All such monitoring should be under the supervision of the local Air District.

2. The confidentiality rights of the stakeholders being monitored must be considered.

Thank you for providing us with the opportunity to comment. If you have any questions we can be reached at (209) 523-0886.

Respectfully,



Christopher J. Savage
President

Manufacturers Council of the Central Valley